

ABSTRACT

PUBLIC SERVICES - Allegation of corruption of demand and acceptance of bribe by Sri Poluru Durga Prasad, formerly Inspector/Senior Assistant, Office of the Commercial Tax Officer, Nandigama Circle, Bhavanipuram, Vijayawada - Trapped on 26.02.2010 - Sanction for Prosecution - Accorded - Orders - Issued.

REVENUE (VIG.I) DEPARTMENT

G.O. (Ms.) No.244.

Dt:29.03.2011.

O R D E R:

Whereas Sri Poluru Durga Prasad, S/o P. Govindarajulu worked as Inspector/Senior Assistant, Office of the Commercial Tax Officer, Nandigama Circle, Bhavanipuram, Vijayawada from 16.07.2009 to 27.02.2010 and by virtue of the post held by him, he falls under the category of a Public Servant as defined under section 2(c) of Prevention of Corruption Act, 1988 (Central Act 49 of 1988).

2) And whereas, Sri Sivaram Nataraja Sekhar, S/o Sivaram Madhava Rao is a resident of Vijayawada and he is Proprietor of M/s Balaji Manufacturers, Sivalayam Street, Vijayawada.

3) And whereas, it is alleged that Sri Sivarama Nataraja Sekhar owns Balaji Manufacturers for last 5 years and deals in Puja products in Sivalayam Street, Vijayawada. He is a regular tax payer. It is alleged that about 15 days ago, Sri B. Lakshmaiah, Commercial Tax Officer, Bhavanipuram visited Balaji Manufacturers of Sri Sivaram Nataraja Sekhar and asked him to bring connected account books to his office for audit. Sri Sivaram Nataraja Sekhar went to the Office of the Commercial Tax Officer, Nandigama located in Bhavanipuram with connected records on 15.02.2010. Sri Poluru Durga Prasad, Inspector/Senior Assistant verified the account books and said that Sri S. Nataraja Sekhar had to pay more than Rs.30,000/- as tax. Sri S. Nataraja Sekhar told him that he sustained loss and was going to close his business. He had already given a letter to the Commercial Tax Officer, Marvadi Temple Street, Vijayawada in this regard and pleaded that he could not pay that much of tax. Sri P. Durga Prasad informed him that he would ensure that tax of Rs.10,000/- would be levied, if he was paid Rs.10,000/- as bribe, or else Sri S. Nataraja Sekhar had to pay more than Rs.30,000/- as tax. Sri S. Nataraja Sekhar informed him that he would pool up money and meet him later. On 24.02.2010 at 12.00 Noon, Sri S. Nataraja Sekhar again met Sri P. Durga Prasad in his office and requested him to help in the tax issue. Sri P. Durga Prasad reiterated his demand of Rs.10,000/- as bribe and categorically stated that Sri S. Naaraja Sekhar had to pay more than Rs.30,000/- towards tax, if he was not paid

the bribe. Sri S. Nataraja Sekhar was not willing to pay the bribe, but consented to the demand, apprehending

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heavy tax. Sri P. Durga Prasad asked Sri S. Nataraja Sekhar to come to his office on 26.02.2010 at 11.00 AM with a cheque for Rs.10,000/- towards tax and pay him Rs.10,000/-

as bribe and take back the account books. As Sri Sivaram Nataraja Sekhar was not willing to pay the bribe amount he went to ACB Office, Vijayawada on 25.02.2010 and gave a report. Upon which a case in Cr.No.5/RCT-ACB-VJA/2010 U/s 7 of Prevention of Corruption Act, 1988 was registered on 26.02.2010 at 10.15 A.M. after obtaining permission from Head Office, ACB, Hyderabad and took up investigation.

4) And whereas, after completion of pre-trap proceedings on 26.02.2010 from 12.15 PM to 1.45 PM Sri S. Nataraja Sekhar along with Sri Chitturi Atchutha Lakshmana Rao went into the Office of the Commercial Tax Officer, Nandigama Circle and met Sri P. Durga Prasad, Inspector/Senior Assistant and requested him to finalize the tax. Sri P. Durga Prasad questioned him whether he had come prepared with the bribe amount of Rs.10,000/- demanded by him. Sri S. Nataraja Sekhar replied in affirmative. Sri P. Durga Prasad took out file from his office table drawer and bag containing books of accounts etc., of his firm M/s Balaji Manufacturers from the top of the wooden table behind his seat, calculated tax to be levied, based on the bill books taken out from the bag, asked Sri Ch. Atchutha Lakshmana Rao, Auditor, to write three letters on behalf of Sri S. Nataraja Sekhar on the letter pad of Balaji Manufacturers, get them signed by Sri S. Nataraja Sekhar. After calculating the tax, penalty etc., Sri P. Durga Prasad asked him to issue cheques for Rs.2,848/-, Rs.4,326/- and for Rs.3,000/-, all amounting to Rs.10,174/-. The cheques were written by the Auditor and were signed by Sri S. Nataraja Sekhar. Then Sri P. Durga Prasad, after completion of the work asked Sri S. Nataraja Sekhar to pay the bribe. Sri S. Nataraja Sekhar took out the wad of tainted amount and gave the same to Sri P. Durga Prasad, who received the same with his right hand, called Sri Ravella Lakshmana, Senior Assistant who was working in his seat and gave him the wad stating that the wad contained Rs.10,000/- and asked him to keep the same in safe custody until asked by him. Sri Ravella Lakshmana received the tainted amount from Sri P. Durga Prasad, counted the same, went into computer room and returned after a few minutes and sat in a chair in front of Sri P. Durga Prasad. Sri P. Durga Prasad then gave the books of accounts including the bill books in a hand bag to Sri S. Nataraja Sekhar who took leave of him and left the office along with Auditor. Sri S. Nataraja Sekhar came out and gave the pre arranged signal at 4.45 P.M. Then the DSP, Mediators and trap party rushed into the office. When the DSP got sodium carbonate solution tests conducted on both hand fingers of Sri P. Durga Prasad, the right hand fingers only proved positive. When the DSP asked about the change of colour, Sri Poluru Durga Prasad gave his version and on his version the DSP got sodium carbonate solution tests conducted on both hand fingers of Sri Ravella Lakshmana, Senior Assistant, both hand fingers proved positive. When the DSP asked about the tainted amount, Sri Ravella Lakshmana led the trap party into the

computer room, took out the bunch of keys from his right side pant pocket, unlocked the almyrah, pulled the door

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and showed a wad of currency notes. As per the instructions of the DSP, one of the mediators took the tainted currency notes and found the serial numbers. When compared with pre-trap proceedings they were found tallied. The DSP also got the sodium carbonate solution tests conducted on the portion of almyrah's rack, key of almyrah and the same yielded positive result. The resultant solutions were seized. The DSP seized the tainted amount of Rs.10,000/-, key of almyrah and connected records, etc., for the purpose of further investigation.

5) And whereas, the acts of Sri Poluru Durga Prasad, formerly Inspector/Senior Assistant, Office of the Commercial Tax Officer, Nandigama Circle, Bhavanipuram, Vijayawada constitute offences punishable under sections 7 & 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988.

6) And whereas, the Government of Andhra Pradesh being competent authority to remove Sri Poluru Durga Prasad, formerly Inspector/Senior Assistant, Office of the Commercial Tax Officer, Nandigama Circle, Bhavanipuram, Vijayawada from service after fully and carefully examining the material (i.e. Final Report, F.I.R., mediator namas, Gist of statement of witnesses etc.,) placed before them in respect of the afore said acts and the circumstances of the case consider that Sri Poluru Durga Prasad, formerly Inspector/Senior Assistant, Office of the Commercial Tax Officer, Nandigama Circle, Bhavanipuram, Vijayawada should be prosecuted in a Court of Law.

7) Now therefore, in exercise of the powers conferred by Clause (b) of Sub-Section (1) of Section 19 of the Prevention of Corruption Act, 1988, the Government hereby accord sanction for prosecution of the above said Sri Poluru Durga Prasad, formerly Inspector/Senior Assistant, Office of the Commercial Tax Officer, Nandigama Circle, Bhavanipuram, Vijayawada offences punishable under sections 7 & 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 and for any other cognate offence punishable under any other provisions of Law for the time being in force in respect of the aforesaid acts and for taking cognizance of the said offences by a court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

(ASUTOSH MISHRA)
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General, Anti Corruption Bureau,
Andhra Pradesh, Hyderabad.